PROCEEDINGS OF THE COMMON COUNCIL
IN REGULAR SESSION
APRIL 10, 19 90

CITY OF FORT WAYNE, INDIANA
JOURNAL OF THE PROCEEDINGS
OF THE COMMON COUNCIL

THE COMMON COUNCIL OF THE CITY OF FORT WAYNE MET IN THE COUNCIL CHAMBERS Tuesday EVENING April 10, 19 90, IN Regular SESSION. PRESIDENT Charles B. Redd IN THE CHAIR, COUNCIL ATTORNEY Stanley A. Levine, AND Sandra E. Kennedy CITY CLERK, AT THE DESK, PRESENT THE FOLLOWING MEMBERS VIZ:

BRADBURY, BURNS, EDMONDS,
GiaQUINTA, HENRY, LONG,
REDD, SCHMIDT, TALARICO,

ABSENT:

COUNCILMEMBER:

THE MINUTES OF THE LAST REGULAR March 27, 19 90

, 19

SPECIAL, 19

SESSION HAVING BEEN DELIVERED TO THE COUNCIL, WERE, ON MOTION, APPROVED AND PUBLISHED.

THE COUNCIL THEN ADJOURNED

CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of Fort Wayne, Indiana, and as such the custodian of the records of the Common Council of said City and that the above and foregoing is the true, full and complete record of the proceedings the Common Council of the City of Fort Wayne, Indiana, for its Regular Session, held on 10th day of April, 19 90, that the numbered ordinances and resolutions shown therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by said Mayor and on the dates shown as to each such ordinance and resolution respectively; and that all such records, proceedings, ordinances and resolutions remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this_____day of_____, 19_____.

Sandra E. Kennedy

City Clerk

The City of Fort Wayne

27 March 1990

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
CityCounty Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946.) The proposed ordinance is designated as:

Bill No. G-90-01-16 (AS AMENDED)

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
27th day of March 1990.

Robert Hutner
Secretary

FACT SHEET

G-90-01-16
BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE: Zoning Ordinance Amendment

APPROVAL DEADLINE:

REASON:

DETAILS

Specific Location and/or Address

N/A

Reason for Project

Defines junk and salvage, and defines a junk and salvage yard. Requires junk and salvage yards to go through special use with certain standards to be met.

Discussion (Including relationship to other Council actions)

Public Hearing - February 26, 1990

See Attached Minutes of Meeting

Business Meeting - March 26, 1990

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation.

Of the six members present five voted in favor of the motion one did not vote. Motion carried.

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	City Wide Other Areas
Applicants/ Proponents	Applicant(s) City Department Other
Opponents	Groups or Individuals Basis of Opposition
Staff Recommendation	[X] For [ ] Against Reason Against
Board or Commission Recommendation	By [X] For [ ] Against [ ] No Action Taken [ ] For with revisions to conditions (See Details column for conditions)
CITY COUNCIL ACTIONS (For Council use only)	[ ] Pass [ ] Other [ ] Pass (as amended) [ ] Hold [ ] Council Sub. [ ] Do not pass

DETAILS

POLICY/PROGRAM IMPACT

Policy or Program Change	☐ No ☐ Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start Date January 19, 1990

Projected Completion or Occupancy Date March 27, 1990

Fact Sheet Prepared by Date March 27, 1990

Patricia Biancaniello

Reviewed by Date 3-29-90

Reference or Case Number

a. Bill No. G-90-01-16 - Ordinance #411
Defines Junk & Salvage, and defines a junk and salvage yard. Requires junk and salvage yards to go through special use with certain standards to be met.

Larry Magliozzi, Senior Planner for Land Use Management, appeared before the Commission. Mr. Magliozzi stated that this ordinance is an attempt to correct and update definitions both junk and salvage, and subsequently junk and salvage yards. Mr. Magliozzi stated that he would, for the benefit of the audience, paraphrase the memo sent to the Commissioners from Greg Purcell. "The M-3 section of the Zoning Ordinance would be amended to allow for a junk or salvage yard only under the jurisdiction of the Board of Zoning Appeals through a "Special Use" variance. The Board is restricted to approval only when such petition complies with certain conditions. These conditions address distances from residential zoning, visual barriers, parking requirements and lot size, among other contingencies.

Under the new definitions, some uses may meet the terminology used, but clearly not constitute a junk or salvage yard use. We have addressed that potential problem by taking the position that any use entirely enclosed by a building structure would be exempt from the requirements of the proposed ordinance. (i.e. a "Goodwill" type of use or a "second hand store" would not constitute a salvage yard.)"

Mr. Magliozzi stated that the memo concluded by stating that staff believed that these modifications to the ordinance would allow for increased protection of citizen safety and aesthetic concerns, while providing for the appropriate location of these uses.

Mel Smith questioned when this amendment might take effect.

Mr. Magliozzi stated that after tonight it will go to the business meeting on March 5th and then to City Council for public hearing and final disposition.

David Long stated that a great deal of time and work has gone into the ordinance. He stated for the record that he supported the ordinance, because we do not have a very good ordinance on the control of junk yards.

John Shoaff questioned the significance of the definition of wetlands and how they fit into this ordinance.

Larry Magliozzi stated that they are not allowing junk or salvage yards to be located in floodplain areas. He stated that we define floodplain in another part of the ordinance so they needed to define wetland.

Barry Pass, Vice-President of Omni-Source appeared before the Commission. Mr. Pass stated that Omni-Source had no objection to

the ordinance as such, he would speak in favor of the ordinance. He stated however that he felt some clarification was necessary, particularly with regard to the definitions. He stated that since the Federal Beautification Act was put into effect the federal and state governments have recognized certain definitions, in particular the term junk yard and scrap processors have very much been separated by definition. He stated that a scrap processor being the type of industrial operation that Omni Source operates locally, and a junk yard being an auto wrecking or salvage yard such as is verbally described in the ordinance. He stated that in discussion with the Plan Commission representative, he felt that the thrust of the ordinance is to govern anything that has an operation outdoors and confine it to M-3 zoning. He stated they have no objection to that, but they would ask the Plan Commission to clarify the definitions. He stated that a major difference is that a scrap processor, in the case of Omni Source, as a member of the institute of scrap recycling industry, is already well in compliance with not only zoning but in the barriers which are delineated by under (K) (3) in the proposed ordinance. He stated that a seven foot fence will not make much difference with a pile of scrap 60 feet tall. He stated that their company would offer its services in working with the Plan Commission or the Board of Zoning Appeals.

Steve Smith suggested that Mr. Pass meet with Mr. Magliozzi subsequent to the meeting on March 5th.

There was no one else present who wished to speak in favor of or in opposition to the proposed ordinance.

M E M O

To: Fort Wayne City Plan Commission

From: Larry Magliozzi, Senior Planner

Subject: Junkyard Ordinance

Date: March 22, 1990

The above referenced ordinance was heard at the Plan Commission's public hearing meeting of February 26, 1990. A number of comments were received pertaining to the "scrap processing" industry, and the staff of C & E.D. were requested to investigate those comments prior to the business meeting of March 5, 1990.

A number of changes were drafted and presented to the Plan Commission at the business meeting of March 5th. The changes were as follows:

1) to incorporate language that would include the scrap processing industry by reference;

2) specify different screening and buffering standards for scrap processors than the ones already being proposed for junk and salvage yards;

3) modify the environmental standards for smoke, fly ash and gases or fumes.

The Commission was concerned about having different standards for both junkyards and scrap processors in addition to the modification of the environmental standards. The Commission deferred action on the ordinance until those issues were further investigated by the staff.

The suggested amendments to the ordinance in front of you tonight addresses the concerns that the Commission had its March 5th business meeting. The changes are as follows:

1) language has been incorporated that would include the scrap processing industry by reference;

2) the dual screening standards have been removed. The original screening standards remain unchanged and as originally proposed;

3) the definition for wetlands has been expanded as a result of conversations with Brian Miller of the Maumee River Basin Commission and Dave Lamm of the Soil Conservation Service. The amended definition establishes accepted criteria for wetland identificaton.

4) the environmental standards have been modified. The amended language is a result of a meeting with Dave Camperman of the Allen County Health Department. He indicated that the current environmental standards in the zoning ordinance are no longer applicable and are superceded by more stringent state and federal environmental laws dealing with air emissions, water discharge and solid and hazardous waste.

I would hope that this clarifies and addresses any concerns that you may have had on the amendments. I will be available at the business meeting to answer any additional questions that you may have.

TO: **Fort Wayne City Plan Commission**

From: **Greg Purcell, Director C. & E. D.**

RE: **Ordinance Amendment**

The amendment before you tonight addresses junk and salvage yards and their impact on surrounding areas. Staff has been approached by various neighborhood groups and council members regarding the site controls required by ordinance.

What we have done here is to provide a corrected and updated definition for both junk and salvage, and subsequently junk and salvage yards.

The M-3 section of the Zoning Ordinance would be amended to allow for a junk or salvage yard only under the jurisdiction of the Board of Zoning Appeals through a "Special Use" variance. The Board is restricted to approval only when such petition complies with certain conditions. These conditions address distances from residential zoning, visual barriers, parking requirements and lot size, among other contingencies.

Under the new definitions, some uses may meet the terminology used, but clearly not constitute a junk or salvage yard use. We have addressed that potential problem by taking the position that any use entirely enclosed by a building structure would be exempt from the requirements of the proposed ordinance. (i.e. a "Goodwill" type use or a "second hand store" would not constitute a salvage yard.)

We believe that these modifications to the ordinance will allow for increased protection of citizen safety and aesthetic concerns, while providing for the appropriate location of these uses.

If you have any questions, please feel free to contact your staff at 427-1140.

COMMUNITY & ECONOMIC DEVELOPMENT

MEMORANDUM

TO: Members of the City Council

FROM: Greg Parcell, Director, Community & Economic Development

DATE: March 30, 1990

SUBJECT: Junk and Salvage Yard Zoning Ordinance Amendment

The amendment that is before you tonight addresses junk and salvage yards and their impact on surrounding areas. Staff members have been approached by various neighborhood groups and Council members regarding the site controls required by the Zoning Ordinance.

New definitions for "junk and salvage", "junk and salvage yard" and "wetlands" are being proposed. One of the requirements of a junk and salvage yard is that they not be located in a designed wetland area, therefore the need for a wetland definition. Under the new definition of junk and salvage yard, some uses may meet the terminology used, but clearly not constitute a junk or salvage yard use. That potential problem has been addressed by exempting uses that are entirely enclosed by a building structure, (i.e., a "goodwill" type use or a second hand store would not constitute a salvage yard.)

The ordinance will restrict junk and salvage yards to the M-3 Zoning District, and such uses will only then be allowed as a "special use" by the Board of Zoning Appeals. Special uses require a public hearing so that all adjacent land owners will have an opportunity to comment on a proposed junk or salvage yard prior to its use. It should also be noted that any junk or salvage yard would have to meet specific standards for screening, parking, minimum lot size (five acres), and distance from residentially zoned districts (300 feet).

We believe these amendments are essential to the control of junk and salvage yards to prevent a deleterious effect on neighborhoods in the City. Should you have any questions with regard to the ordinance amendments prior to Tuesday evening, please do not hesitate to contact me at 427-1131.

gb

The City of Fort Wayne

27 March 1990

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
CityCounty Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946.) The proposed ordinance is designated as:

Bill No. Z-90-03-26

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
27th day of March 1990.

Robert Hutner
Secretary

FACT SHEET

Z-90-03-26
BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE: Zoning Ordinance Amendment From RB to B-1-B

APPROVAL DEADLINE:

REASON:

DETAILS

Specific Location and/or Address

3202 E State Bl

Reason for Project

To bring it in compliance with the use and the adjacent property.

Discussion (Including relationship to other Council actions)

19 March 1990 - Public Hearing

Ed Moppert, attorney, appeared before the Commission. He stated that he represented National Oil Corporation as well as the owners of the property Mr. & Mrs. Schupe. He stated that he was really doing "housekeeping". He stated that historically the Sun Oil Company some 30 to 35 years assumed that this strip was part of the B-1-B and have been using it as such for years. He stated that they checked and discovered that this strip had never been rezoned. He stated they are requesting to zone this strip to B-1-B and bring it in compliance with the use and the adjacent property. He stated that National Oil has no objections to the landscape suggestions of the staff and they concur fully.

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	City Wide Other Areas
Applicants/ Proponents	Applicant(s) National Oil Company City Department Other
Opponents	Groups or Individuals Basis of Opposition
Staff Recommendation	[X] For [ ] Against Reason Against
Board or Commission Recommendation	By [X] For [ ] Against [ ] No Action Taken [ ] For with revisions to conditions (See Details column for conditions)
CITY COUNCIL ACTIONS (For Council use only)	[ ] Pass [ ] Other [ ] Pass (as amended) [ ] Hold [ ] Council Sub. [ ] Do not pass

DETAILS

26 March 1990 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation.

Of the six members present, five voted for the motion one did not vote.

Motion carried,

POLICY/PROGRAM IMPACT

Policy or Program Change	☐ No ☐ Yes
Operational Impact Assessment	

(This space for further discussion)

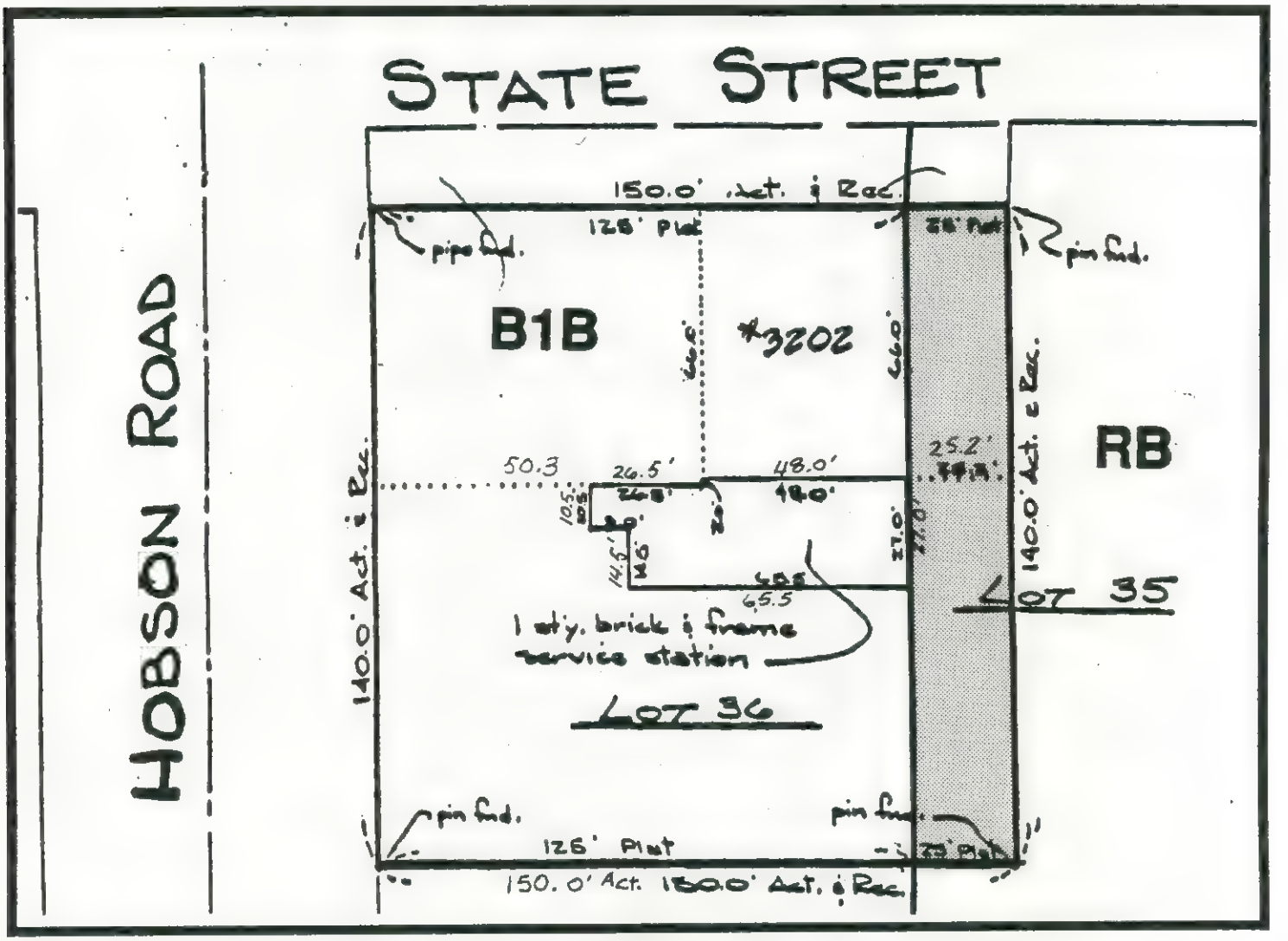
Project Start	Date	14 February 1990
Projected Completion or Occupancy	Date	27 March 1990
Fact Sheet Prepared by Patricia Biancaniello	Date	27 March 1990
Reviewed by Larry Mazzizzi	Date	3-29-90
Reference or Case Number		

REZONING PETITION #433

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM A **RB** DISTRICT TO A **B1B** DISTRICT.

MAP NO. **R-14**

COUNCILMANIC DISTRICT NO. **2**



ZONING:

B1B LIMITED BUSINESS "B"

RB RESIDENCE "B"

LAND USE:

☐ *COMMERCIAL*

SCALE: 1"=40'

DATE: 3-6-90

N

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on March 27, 1990 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-90-03-26; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on March 19, 1990.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

(1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;

(3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

(4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,

(5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resoluton adopted at the meeting of the Fort Wayne City Plan Commission held March 26, 1990.

Certified and signed this
27th day of March 1990.

Robert Hutner
Secretary

Edward J. Moppert, agent for National Oil Company, requests a change of zone from RB to B-1-B.

Location:	3202 E. State		
Legal:	The N 160 ft. of the W 25 ft. of Lot 35 of J.H. Feichter's Garden View Addition except that portion taken for street right-of-way.		
Land Area:	Approximately 0.08 acres		
Zoning:	RB		
Surroundings:	North	B1B	Commercial
	South	RB	Apartments
	East	RB	Apartments
	West	B1B	Commercial
Reason for Request:	Not stated on the petition.		
Neighborhood Assoc.:	None		
Neighborhood Plan:	No comment		
Comprehensive Plan:	The General Land Use Policies of the Comprehensive Plan state that rezoning and development proposals should be compatible with existing and planned land uses and should not establish an undesirable precedent in the area to be developed. The goal in the Middle Ring, where this request is located, is to maintain investments and prevent deterioration in existing neighborhoods. This request is compatible with surrounding land uses.		
Landscape:	A minimum 3' ht. landscape screen should be placed between all parking/vehicle circulation areas on the site and street frontages and should meet all other Z-10 requirements. Owner has submitted plans earlier illustrating intent to meet these amenities.		

Planning Staff Discussion:

This site is located at the southeast corner of State Blvd. and Hobson Road. It is a former filling station location. As the attached area map indicates the zoning for this corner property extends further to the east at the rear than it does at the front property line. This petition would align the zoning classification by eliminating the 25 foot offset.

From site inspection and the submitted survey, it appears that the previous filling station use incorporated this area into its site plan as a parking/driving area.

The primary use of properties along State Blvd. is commercial, and the approval of this petition would not have a negative impact on any adjoining or area properties. The apartment complex to the east is separated from this site by a parking area, and as the previous use was commercial, would not be adversely impacted.

Recommendation: Do Pass, for the following reasons:

1) Approval will not adversely impact the property values in the immediate area.

2) Approval would be consistent with the current conditions and character of uses in the immediate area.

3) Approval would be consistent with the principles of development and growth, as they relate to this corridor.

The City of Fort Wayne

27 March 1990

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
CityCounty Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946.) The proposed ordinance is designated as:

Bill No. Z-90-03-24

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
27th day of March 1990.

Robert Hutner
Secretary

FACT SHEET

Z-90-03-24
BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE
Zoning Ordinance Amendment
From RB to B4

APPROVAL DEADLINE

REASON

DETAILS

Specific Location and/or Address
Southeast corner of Bluffton Road and Reservation Drive

Reason for Project
Expansion of Wright-Moore Corporation and future commercial development.

Discussion (Including relationship to other Council actions)

March 19, 1990 - Public Hearing

See Attached Minutes of Meeting

March 26, 1990 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO NOT PASS recommendation.

Of the six members present, five voted in favor of the motion one did not vote. Motion carried.

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	City Wide Other Areas
Applicants/ Proponents	Applicant(s) Jack D Wright City Department Other
Opponents	Groups or Individuals Basis of Opposition
Staff Recommendation	☐ For ☒ Against Reason Against -approval could have a negative impact on surrounding properties
Board or Commission Recommendation	By ☐ For ☒ Against ☐ No Action Taken ☐ For with revisions to conditions (See Details column for conditions)
CITY COUNCIL ACTIONS (For Council use only)	☐ Pass ☐ Other ☐ Pass (as amended) ☐ Hold ☐ Council Sub. ☐ Do not pass

DETAILS

POLICY/PROGRAM IMPACT

Policy or Program Change	☐ No ☐ Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start Date February 12, 1990

Projected Completion or Occupancy Date March 27, 1990

Fact Sheet Prepared by Date March 27, 1990

Patricia Biancaniello

Reviewed by Date 3-28-90

Reference or Case Number

a. Change of Zone #424
From RB to B-4
Southeast corner of Bluffton Road and Reservation Drive.

Peter Mallers, attorney appeared for the petitioner, Jack D. Wright. Mr. Mallers stated that they have asked to rezoned approximately 9.5 acres. He stated that Mr. Wright is the owner and president of the Wright-Moore Corporation, which is a seller of office equipment. He stated that Mr. Wright has been in business in the area for approximately 19 years. He stated that Mr. Wright's business is currently located on Commercial Drive, which is very close to the property in question. He stated that because of the need for additional space and the expansion of the business Mr. Wright is attempting to purchase approximately 15 acres on Bluffton Road. This 15 acres includes the property up for rezoning and 3.5 acres adjacent on the west of this property that fronts on Bluffton Road. He stated that this 3.5 acres is currently zoned B-4. He stated that the petitioner is requesting that the B-4 zoning that is currently existing on the Bluffton Road frontage with a depth of 320 feet be extended for the remainder of the 15 acre parcel, excepting a 100 foot buffer adjacent on the east of the 15 acre tract. He stated that leaving 100 foot buffer out of the rezoning application was intended by Mr. Wright to serve as a buffer between the B-4 and the RB to the east. He stated that there is currently no specific site plan available to present. He stated that it is Mr. Wright's intention to construct approximately 30,000 square feet of retail, office and service space. He stated it would be suitable for housing the business for the Wright-Moore Corporation. He stated it is also intended to construct additional buildings be constructed for the purpose of leasing to businesses that would be compatible with the business of Wright-Moore Corporation. He stated some of those businesses would include any kind of office supply, office design, office furniture, computer sales, or computer service. He stated that Wright-Moore Corporation primarily sells and servces copiers and fax machines. He stated that although the staff recommendation is not supportive of the petition items #3 under the recommendation does leave the door open for some rezoning of at least a portion of the subject tract. Mr. Mallers stated that clearly the Comprehensive Plan provides for development along the Bluffton Road for commercial purposes. He stated that they feel that their proposal is consistent with that goal. He stated that the 3.85 acre tract zoned B-4 has remained undeveloped since the time of its rezoning. He stated that the petitioner intends to develop on that acreage. He stated that they also intend to develop beyond that and that is the reason for the request. He stated that a concern was raised by the staff that conditions have not changed sufficiently to warrant a further rezoning. He stated that in as much as what is currently rezoned B-4 will be used and they are proposing to use more land, they feel the conditions do merit a further rezoning. He stated that with

respect to the staff concern that approval would have a negative impact on the surrounding area, they acknowledge the concern. He stated they do not necessarily agree with the scope of the concern bu they do acknowledge that any further development in this area should not have a negative impact on the surrounding neighborhoods and the school. He stated that in an effort to satisfy this concern, we have discussed with the staff modifying the request so that the property to be rezoned would not intrude so obstensibly into the RB zoned area. He stated that they have tried to do this by leaving the 100 foot strip to east was intended to serve that purpose. He stated that they recognize that they have a week to try and finalize any modifications to their request. He stated he did want to present to the Commission that in recognition of the concerns presented by the staff the petitioner is willing to consider modifying his proposal. He stated that they feel that Reservation Drive presents a natural buffer for the RB property to the north and they will consider additional landscaping to serve as a buffer. He stated that they are willing to limit their access to Bluffton Road and to maintain a Bluffton Road orientation.

Wil Smith questioned what type of development they were considering for the remainder of the property.

Mr. Mallers stated that they will have several buildings to house various businesses that would be operated by tenants, all of which would still maintain a Bluffton Road orientation.

David Long questioned if it would be possible to buffer this property with some mounding/landscaping along Reservation Drive.

Mr. Mallers stated that it has been discussed, and they intend to discuss it further. He stated that they felt that Reservation Drive itself would serve as a buffer.

Mel Smith questioned what type of traffic they would be generating from this property if it were to be rezoned - truck or car.

Mr. Mallers stated that there will be some deliveries but the bulk of the traffic would be for employees, retail sales and servicing.

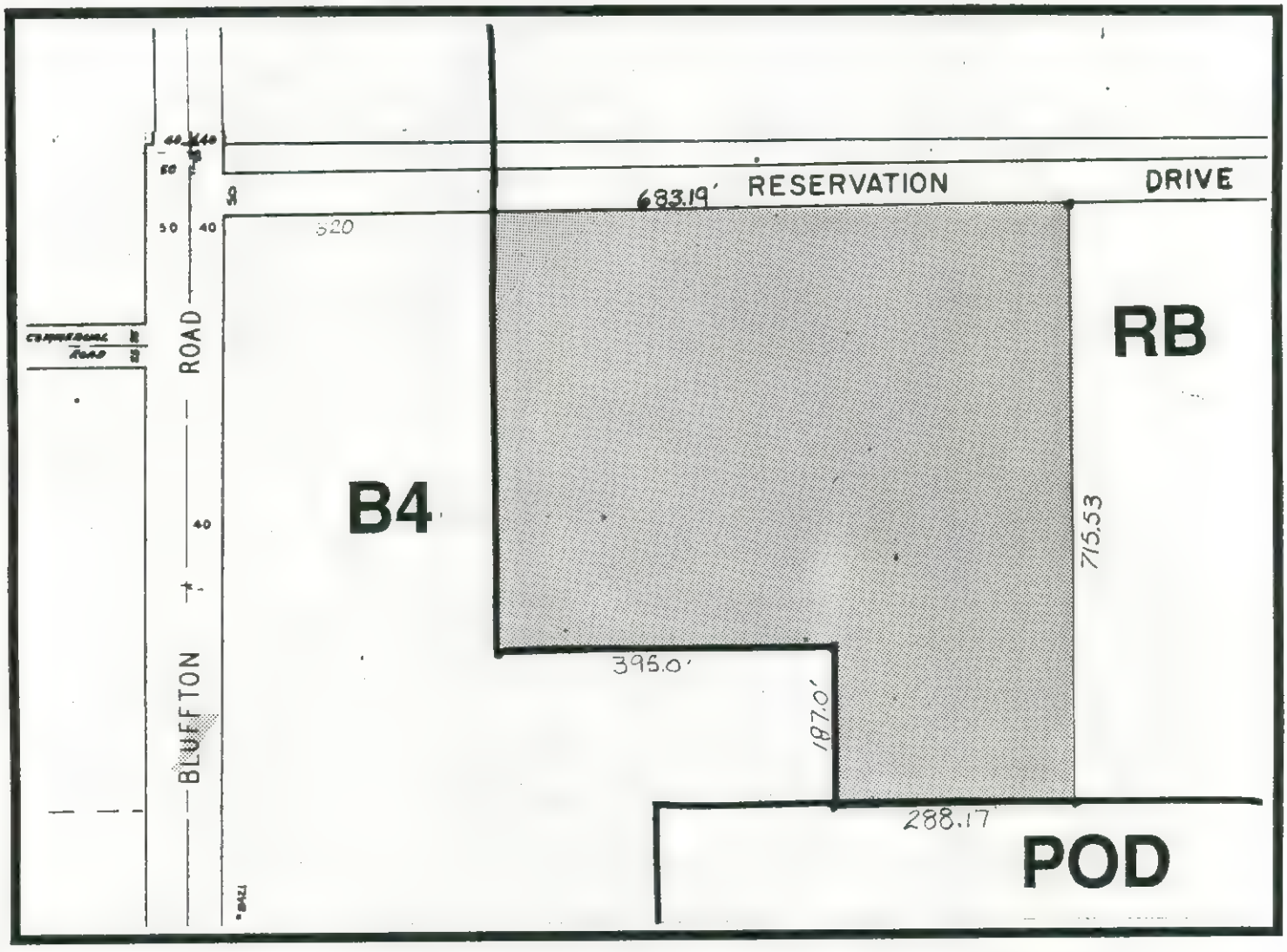
There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

REZONING PETITION #4134

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM A **RB** DISTRICT TO A **B4** DISTRICT.

MAP NO. **J-35**

COUNCILMANIC DISTRICT NO. **5**



ZONING:

RB RESIDENCE "B"

B4 ROADSIDE BUSINESS

POD PROFESSIONAL OFFICE DISTR

LAND USE:

☐ *COMMERCIAL*

☐ *SINGLE FAMILY*

SCALE: 1"=200'

DATE: 3-6-90

N

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on March 27, 1990 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-90-03-24; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on March 19, 1990.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the Commission's following "Findings of Fact".

(1) the grant will be injurious to the public health, safety, morals and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;

(3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

(4) the strict application of the terms of the zoning ordinance will not constitute an unusual and unnecessary hardship to this property;

(5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held March 26, 1990.

Certified and signed this
27th day of March 1990.

Robert Hutner
Secretary

Steven K. Zacher, agent for Jack D. Wright, requests a change of zone from RB to B-4.

Location:	The Southeast corner of Bluffton Road and Reservation Drive.		
Legal:	Metes & Bounds (see file)		
Land Area:	Approximately 9.5 acres.		
Zoning:	RB		
Surroundings:	North	B-4/RB	Open/Residential
	South	B-4/RB	Commercial/Open
	East	RB	Miami Middle School
	West	B-4	Open & Commercial
Reason for Request:	Not stated on the petition.		
Neighborhood Assoc.:	None		
Neighborhood Plan:	No comment		
Comprehensive Plan:	The General Land Use Policies of the Comprehensive Plan state that rezoning and development proposals should be compatible with existing and planned land uses and should not establish an undesirable precedent in the area to be developed. This request is located in the Middle Ring and the South Sector of the Outer Ring. The Goal in the Middle Ring is to maintain investments and prevent deterioration in existing neighborhoods. The Goal in the South Sector is to actively encourage development.		
Landscape:	Based on visual intrusion potential for B-4 uses on the adjacent RB zones, approval without applicant providing a means to buffer the RB areas is not recommended.		

Planning Staff Discussion:

This site is located at the southeast corner of Bluffton Road and Reservation Drive. The frontage along Bluffton Road is zoned B-4 (Roadside Business) to a depth of approximately 320 feet. Uses along this section of Bluffton Road are primarily commercial, with a few industrial uses. Miami Middle School is located to the east and on the north side of Reservation Drive.

As the attached location map indicates, there is B-4 frontage both to the north and the south. The depth of the B-4 zoning to

the north is approximately the same, while to the south the B-4 designation extends to approximately 675 feet immediately abutting this site, and is reduced as it abuts a POD along the Baer Field Thruway.

While we agree that commercial zoning should be supported along the Bluffton Road frontage, we are concerned with extending the depth of such zoning. With both single family residential uses, and a school located to the north and east of this parcel, we are concerned with the possible impact on property values, and residential life styles. After careful evaluation of the area, and its existing development, we do not feel that approval of the petition is warranted at this time. There appears to be other parcels in the area that are already designated as commercial, and are undeveloped. Further, the requested B-4 zoning is the highest commercial classification, and permits a number of uses that could have a negative impact on the surrounding area.

Recommendation: Do Not Pass, for the following reasons:

1) Approval could have a negative impact on the surrounding properties.

2) Current conditions and character of uses in the immediate area do not support a need for additional commercial zoning at this time.

3) Extension of the B-4 classification into the RB area might be considered if it could accommodate the proposed development while maintaining Bluffton Road orientation and access.

The City of Fort Wayne

4 April 1990

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the vacation of a portion of dedicate right-of-way.

The proposed ordinance is designated as:

BILL NO. G-90-02-21

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
4th day of April 1990.

Robert Hutner
Secretary

FACT SHEET

G-90-02-21
BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE: Street Vacation Ordinance

APPROVAL DEADLINE:

REASON:

DETAILS

Specific Location and/or Address
Part of Harrison Street, from the South property line of Pursley Dr to the North property line of Hollis Lane.

Reason for Project

The right of way is unimproved and is maintained by the adjacent property owners.

Discussion (Including relationship to other Council actions)

February 26, 1990 - Public Hearing

Christopher Hamilton, attorney, appeared before the Commission. Mr. Hamilton stated that the right-of-way had never been improved and the traffic pattern in the area would continue to be unaffected by the vacation. He stated that they will grant easements as required.

There was no one present who wished to speak in favor of or in opposition to the proposed vacation.

March 5, 1990 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation.

Of the seven members present six voted in favor of the motion, one did not vote. Motion carried.

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	City Wide Other Areas
Applicants/ Proponents	Applicant(s) 1st Christian Union Church Clarence & Marciella Crill City Department Other
Opponents	Groups or Individuals Basis of Opposition
Staff Recommendation	[X] For [ ] Against Reason Against
Board or Commission Recommendation	By [X] For [ ] Against [ ] No Action Taken [ ] For with revisions to conditions (See Details column for condition
CITY COUNCIL ACTIONS (For Council use only)	[ ] Pass [ ] Other [ ] Pass (as amended) [ ] Hold [ ] Council Sub. [ ] Do not pass

DETAILS

POLICY/PROGRAM IMPACT

Policy or Program Change	☐ No ☐ Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start Date January 17, 1990

Projected Completion or Occupancy Date April 4, 1990

Fact Sheet Prepared by Date April 4, 1990
Patricia Biancaniello

Reviewed by Date April 9, 1990
Mary Maglieza

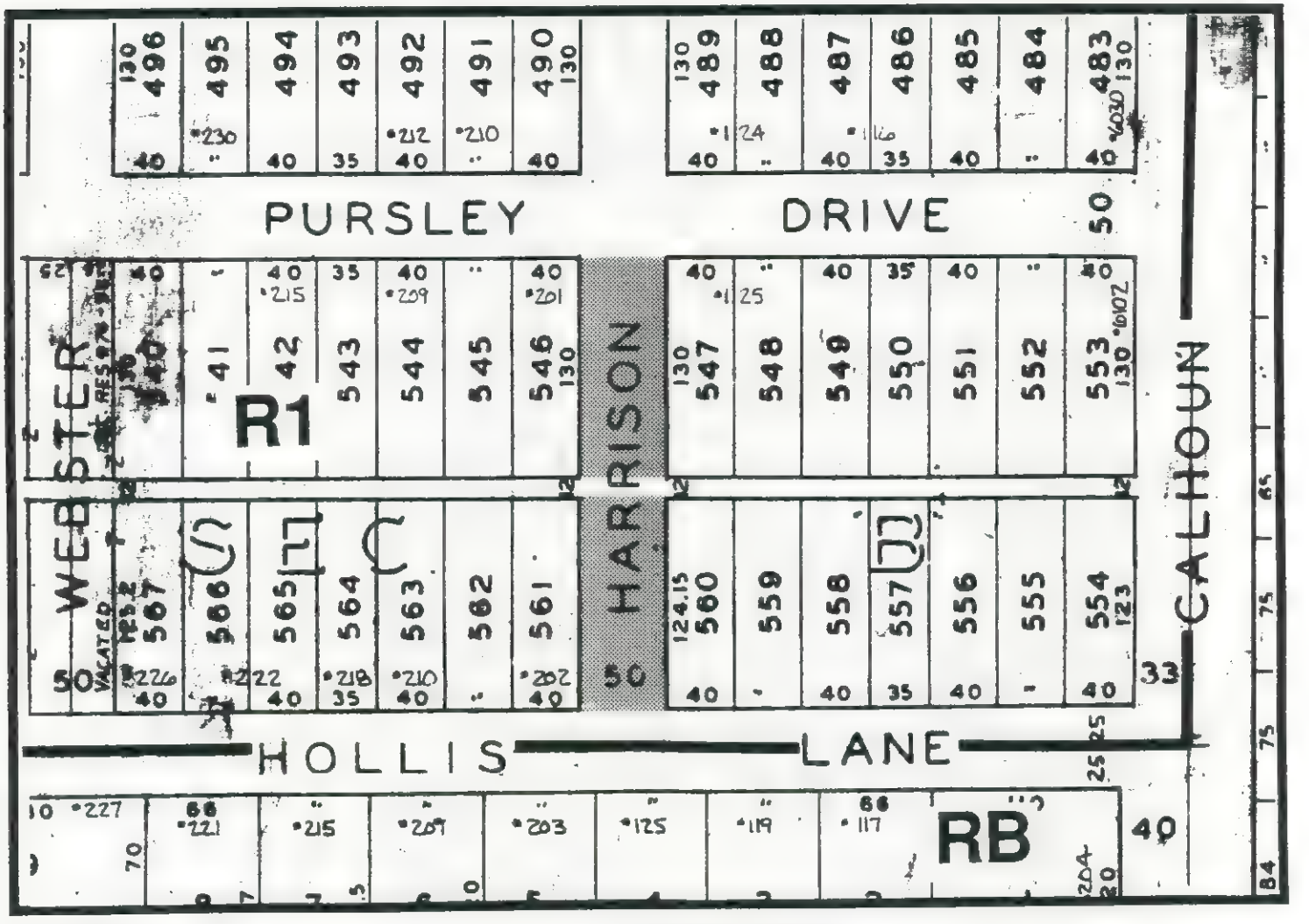
Reference or Case Number

VACATION PETITION #415

A PETITION TO VACATE THE DESCRIBED PORTION OF PUBLIC STREET.

MAP NO. **M-23**

COUNCILMANIC DISTRICT NO. **5**



ZONING:

R1 RESIDENTIAL DISTRICT

LAND USE:

☐ *SINGLE FAMILY*

SCALE: 1"=100'

DATE: 2-6-90

Marvin S. Crell, attorney for Alfred J. and Betty Jo Hower, request the vacation of Harrison Street, from Pursley Drive to Hollis Lane.

Location:	South Harrison Street from Pursley Drive south to Hollis Lane, except the alley intersection.
Legal:	See file
Land Area:	Approximately 0.25 Acres
Zoning:	The area is zoned R-1.
Surroundings:	North R-1 Single family residential South RB Single family residential East R-1 SFR & Church West R-1 Single family residential
Reason for Request:	Not stated on petition
Neighborhood Assoc.:	Lincolnshire Community Association is located immediately south.
Neighborhood Plan:	No comment.
Comprehensive Plan:	No comment.
Landscape:	No residential or other streets provide access from north of Pursley Drive to south of Hollis Lane from Calhoun to Fairfield, creating a block of extreme length. The length of this block effectively cuts interaction between the neighborhoods to the north and south leading to social segregation of the community as in suburban areas.

Planning Staff Discussion:

The petitioners state that the right-of-way has not been improved or used in any way, and that it is not needed for the development of the immediate neighborhood, nor does it affect the thoroughfare plans adopted by the City.

The area has been primarily developed as single family residential, with the First Christian Union Church located off of Hollis Lane, to the east of this right-of-way.

In evaluating vacation petitions, the staff looks at the possible impact that the petition could have on public access needs, future growth and development, and the impact on property values. As this right-of-way has never been improved, we feel that the

impact on the neighborhood would be minimal. We should point out that vacation would create a relatively long street before another intersecting street is reached. As this is already the pattern, and the neighborhood appears to support the petition, we have no objections. The petitioners request does not include the east/west alley intersection, which should allow for continue traffic flow as necessary. Field investigation indicates that there are already apparent encroachments into the right-of-way, that appear to have been in existence for some time.

Recommendation: Conditional Approval, contingent upon the petitioners providing utility easements or relocations as required, and submitting a revised legal description which clearly defines the location of the alley intersection that is to be excluded.

1) Approval will not negatively impact area property values.

2) Approval will not hinder public access to other public ways or places.

3) The right-of-way does not appear to be necessary for the future growth of the city.

4) Petitioner must grant a drainage easement if one is required by the City Engineer.

RESOLUTION

WHEREAS, the FORT WAYNE REDEVELOPMENT COMMISSION has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated right of way situated in Fort Wayne, Allen County, to-wit:

Beginning at the Northeast corner of Lot #546 in Fairfield Terrace Addition, Sec. "B", thence East a distance of 50 feet to the Northwest corner of Lot #547 in said Addition; thence South, along the WEst line of said Lot #547, to the Southwest corner of said Lot #547; thence West a distance of 50 feet to the Southeast corner of Lot #546 in said Addition; thence North, along the East line of said Lot #546 to the point of beginning.

ALSO

Beginning at the Northeast corner of Lot #561 in Fairfield Terrace Addition, Sec. "B"; thence East a distance of 50 feet to the Northwest corner of Lot #560 in said Addition; thence South, along the West line of said Lot #560, to the Southwest corner of said Lot #560; thence West a distance of 50 feet to the Southeast corner of Lot #561 in said Addition; thence North, along the East line of said Lot #561 to the point of beginning,

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said public hearing was held on February 26, 1990 at 7:00 P.M. and at such hearing there were no objections of any kind or character which should prevent the vacation of said dedicated right of way.

WHEREAS, said vacation of the dedicated right of way has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated right of way hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated right of way hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said dedicated right of way or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said dedicated right of way in Allen County, Indiana.

STATE OF INDIANA)
) SS:

COUNTY OF ALLEN)

I, Robert Hutner, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held March 5, 1990, and as the same appears of record in the official records of said Plan Commission.

DATED THIS 4 DAY OF April 1990

FORT WAYNE CITY PLAN COMMISSION

Robert Hutner
Secretary

RESOLUTION 78-203-9

WHEREAS, the FORT WAYNE REDEVELOPMENT COMMISSION has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated right of way situated in Fort Wayne, Allen County, to-wit:

Beginning at the Northeast corner of Lot #546 in Fairfield Terrace Addition, Sec. "B", thence East a distance of 50 feet to the Northwest corner of Lot #547 in said Addition; thence South, along the WEst line of said Lot #547, to the Southwest corner of said Lot #547; thence West a distance of 50 feet to the Southeast corner of Lot #546 in said Addition; thence North, along the East line of said Lot #546 to the point of beginning.

ALSO

Beginning at the Northeast corner of Lot #561 in Fairfield Terrace Addition, Sec. "B"; thence East a distance of 50 feet to the Northwest corner of Lot #560 in said Addition; thence South, along the West line of said Lot #560, to the Southwest corner of said Lot #560; thence West a distance of 50 feet to the Southeast corner of Lot #561 in said Addition; thence North, along the East line of said Lot #561 to the point of beginning,

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of the dedicated right of way has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said dedicated right of way hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said dedicated right of way hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said portion of public dedicated right of way or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

I, Charles E. Layton, Director of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public Works at their meeting held April 4, 1990 and as same appears of record in the official records of the Board of Public Works.

DATED THIS 4th DAY OF April 1990

FORT WAYNE BOARD OF PUBLIC WORKS

Charles E. Layton
Director of Public Works

Michael McAlexander
Director of Public Safety

Douglas M. Lehman
Director of Administration & Finance